

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

August 28, 2009

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 09HD-026

**HAWAII**

Set Aside to County of Hawaii; Issuance of Management and Construction Right-of-Entry for Park and Other Community Related Purposes, Kikala-Keokea Residential Subdivision, Kikala and Keokea, Puna, Hawaii, Tax Map Key: 3<sup>rd</sup>/ 1-2-43: 68.

APPLICANT:

COUNTY OF HAWAII, whose business and mailing address is 25 Aupuni Street, Room 215, Hilo, Hawaii 96720.

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Kikala-Keokea Residential Subdivision situated at Kikala and Keokea, Puna, Hawaii, identified by Tax Map Key: 3<sup>rd</sup>/ 1-2-43: 68, as shown on the attached map labeled **Exhibit A**.

AREA:

4.00 acres, more or less.

ZONING:

State Land Use District: Agriculture  
County of Hawaii CZO: Ag-3A

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:  
YES \_\_\_\_ NO x

CURRENT USE STATUS:

Vacant and unencumbered.

PURPOSE:

Park and other community related purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on October 8, 1993.

In the creation and development of the Kikala-Keokea Residential Subdivision, Act 314, Session Laws of Hawaii 1991, this project is "exempt from all statutes, ordinances, charter provisions, and rules of any governmental agency relating to zoning and construction standards for subdivisions, the development and improvement of land, and the construction of units thereon; provided that the DLNR finds the project is consistent with the purpose and intent of this Act and meets minimum requirements of health and safety."

The environmental assessment was prepared and notice of its availability published in OEQC's Environmental Bulletin, only for the purpose of giving public notice and disseminating information regarding the project to the general public, concerned citizens and governmental agencies.

The proposed park site was included in the environmental assessment study area.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;

REMARKS:

Pursuant to Act 314, Session Laws of Hawaii 1991, as amended by Act 172, Session Laws of Hawaii 1993 and Act 81, Session Laws of Hawaii 1994, the Legislature of the State of Hawaii authorized the Department to negotiate and enter into long term

residential leases to persons living in Kalapana who were dispossessed or displaced as a result of the volcanic eruptions on the island of Hawaii, which began January 3, 1983 and persons who meet the qualifications of Section 13D-3(b), Hawaii Revised Statutes.

In addition to subdividing the State parcel into sixty-seven (67) residential lots, a four-acre portion was subdivided out for development of a community park. The original plan was to have the Kikala-Keokea Community Association develop, manage and maintain a park, however, due to the high cost associated with obtaining the required environmental assessment, development of the park improvements, and obtaining the required liability insurance, it was decided that it would be best if the county undertake the task.

By letter dated March 12, 2009, Mayor William P. Kenoi, County of Hawaii, requested a set aside of the subject State property for development of a public park and other community related purposes. The County of Hawaii, would like to pursue development of the park in partnership with the Kikala-Keokea Community Association. **(Exhibit B)**

There is no higher or better use of the subject area at this time. The entire property will be utilized for its intended use. Setting aside the subject area to the County of Hawaii will allow for development of much needed lands for additional public parks and community related uses for the Puna area.

Various governmental agencies and interest groups were solicited for comments. To date, all respondents did not object or had no comments on the request.

AGENCIES	COMMENTS
<b>County of Hawaii:</b>	
Fire Department	No comments
Planning	No objections
Police Department	No objections
Public Works	No response
Water Supply	No objections
<b>State of Hawaii:</b>	
DOH-Environmental Management	No comments
DLNR-HP	No response
<b>Other Agencies/ Interest Groups:</b>	
Office of Hawaiian Affairs	No objections

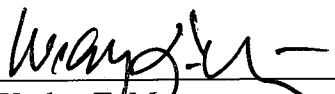
The Office of Hawaiian Affairs had no objections to the set aside, but provided comments labeled **Exhibit C**.

RECOMMENDATION:

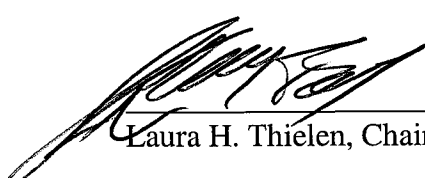
That the Board, subject to Applicant fulfilling the Applicant Requirements above:



1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the County of Hawaii, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Authorize the issuance of a management and construction right-of-entry permit to the County of Hawaii, its consultants, contractors, and/or persons acting for or on its behalf, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
  - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
\_\_\_\_\_  
Wesley T. Matsunaga  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Laura H. Thielen, Chairperson

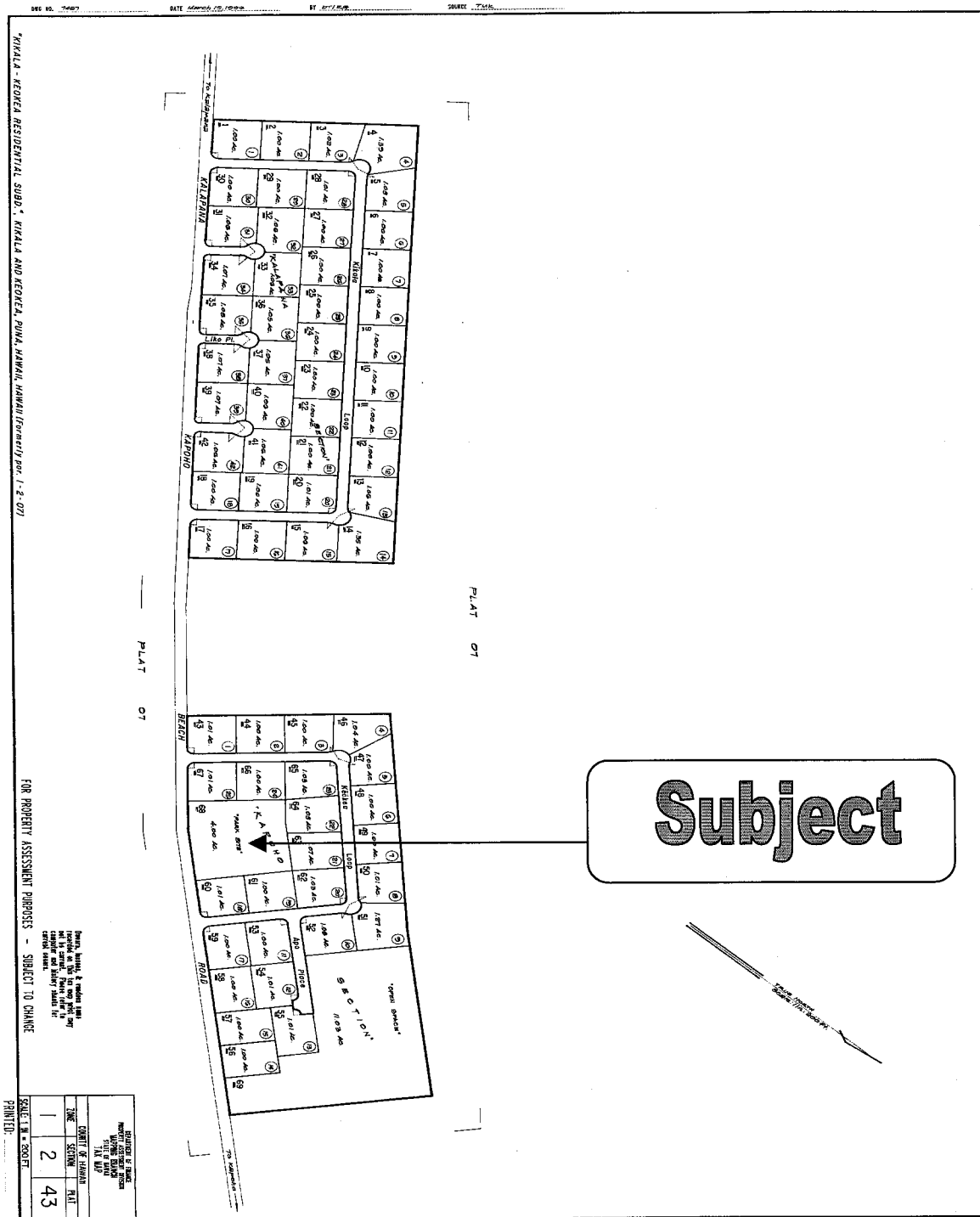
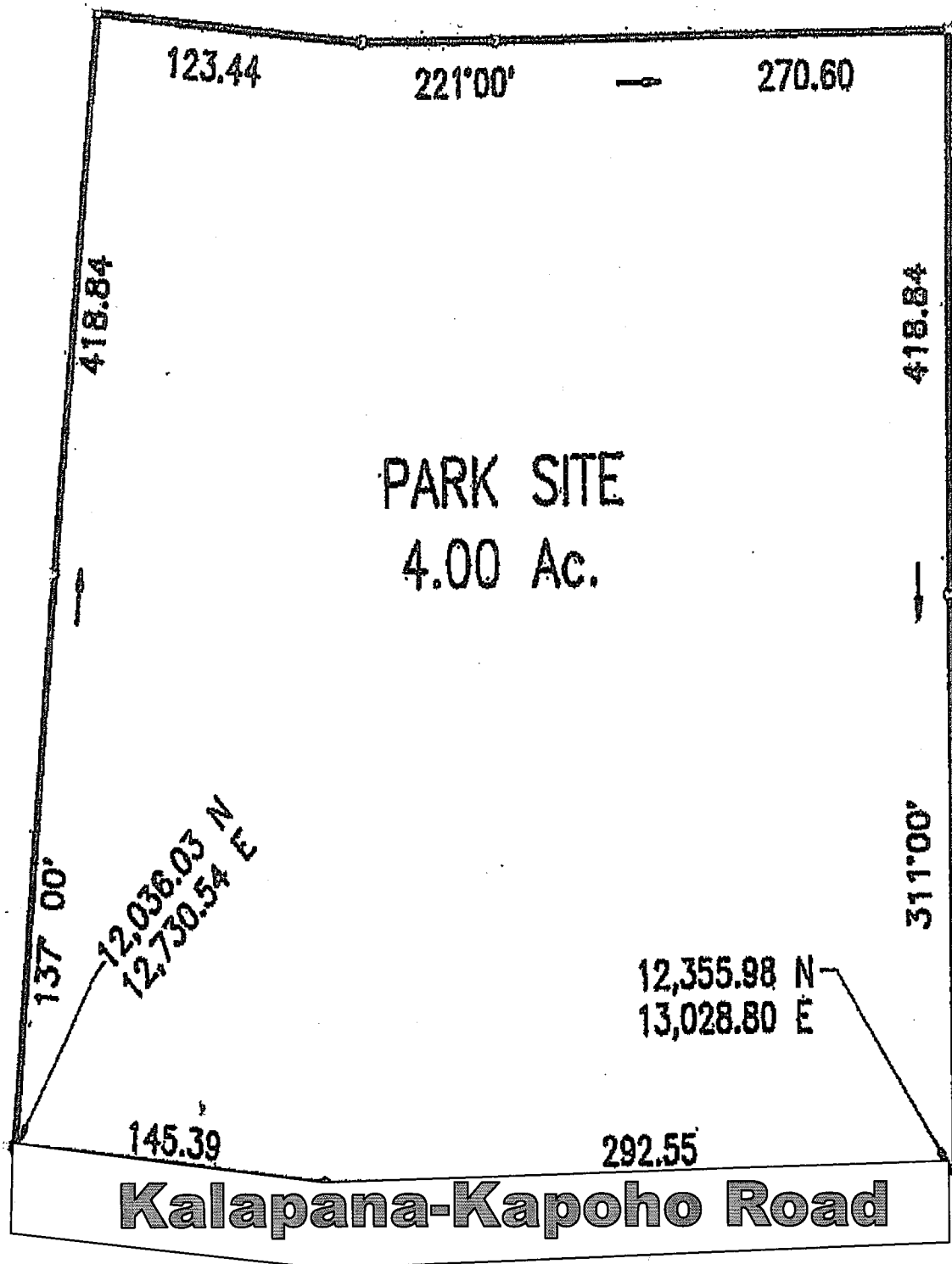
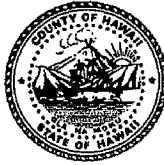


EXHIBIT A



**EXHIBIT A**

William P. Kenoi  
Mayor



William T. Takaba  
Managing Director

Walter K.M. Lau  
Deputy Managing Director

## County of Hawaii

Hilo: 25 Aupuni Street, Room 215 • Hilo, Hawaii 96720  
(808) 961-8211 • Fax (808) 961-6553  
Kona: 75-5706 Kuakini Highway, Suite 103 • Kailua-Kona, HI 96740  
(808) 329-5226 • Fax (808) 326-5663

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RECEIVED  
LAND DIVISION  
HILLO, HAWAII

March 12, 2009

Mr. Kevin Moore, District Land Agent  
Department of Land and Natural Resources  
Land Division  
P.O. Box 936  
Hilo, Hawai'i 96721-0936

Subject: Request for Set Aside for Park Purposes, Kikala-Keokea  
Subdivision, Kikala-Keokea, Puna, Hawai'i  
TMK: 3<sup>rd</sup>/ 1-2-43-068

Dear Mr. Moore:

The County of Hawai'i would like to request a set aside of the subject property for park and other community purposes. It is our understanding that the property was identified as a park site in the development of the Kikala-Keokea Residential Subdivision and the County of Hawai'i would like to pursue the development of the park in partnership with the community. A copy of the Tax Map is enclosed for your reference.

Should you have any questions, please feel free to contact Daryl Inaba, with our Department of Finance, Property Management Division at 961-8567.

Aloha,

A handwritten signature in black ink, appearing to read "W. Kenoi", followed by a horizontal line.

William P. Kenoi  
Mayor

cc: Robert Fitzgerald, Parks & Recreation  
James Komata, Parks & Recreation

# EXHIBIT B

PHONE (808) 594-1888

FAX (808) 594-1865



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
711 KAPI'OLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

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RECEIVED  
LAND DIVISION  
HILO, HAWAII

HRD09/4364

June 16, 2009

Wesley Matsunaga  
Land Agent  
Department of Land and Natural Resources  
Land Division  
75 Aupuni Street, Room 204  
Hilo, HI 96720

**RE: Proposed set aside to the County of Hawai'i with management and construction right-of-entry for park and related purposes, Kikala-Keokea Residential Subdivision, Kikala and Keokea, Puna, Hawai'i Island, TMK: 1-2-043:068; PSF No.: 09HD-026.**

Aloha e Wesley Matsunaga,

The Office of Hawaiian Affairs (OHA) is in receipt of your above-mentioned request for comments, dated May 15, 2009, which would allow the County of Hawai'i, Department of Parks and Recreation, in partnership with the Kikala-Keokea Community Association, to receive a set aside of approximately 4.0 acres of ceded, Section 5(b) land for the development of a public park. The County of Hawai'i also requests the issuance of a management and construction right-of-entry permit. OHA offers the following comments.

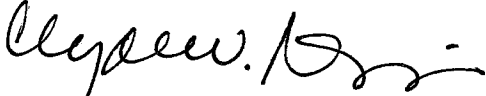
We note that this project is part of the larger program, created by Act 314, Session Laws of Hawaii 1991, to assist people who had been living in Kalapana and who were displaced or dispossessed because of the volcanic eruptions that began in 1983. We agree that the lands would be well used as a public park within the existing subdivision, and we agree that the proposed partnership of the County and the Kikala-Keokea Community Association could be beneficial. Nonetheless, we request assurances that the Executive Order document that these are ceded lands to assist in the creation and maintenance of an accurate accounting of all ceded lands transactions, and that the set aside be for management purposes only. OHA has no objections to the request of the County for a right-of-entry permit to the subject area.



Wesley Matsunaga, Land Agent  
June 16, 2009  
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Thank you for the opportunity to comment. If you have further questions, please contact Heidi Guth by phone at (808) 594-1962, or e-mail her at [heidig@oha.org](mailto:heidig@oha.org).

‘O wau iho nō me ka ‘oia‘i‘o,

A handwritten signature in black ink, appearing to read "Clyde W. Nāmu'o", with a stylized flourish at the end.

Clyde W. Nāmu‘o  
Administrator

C: OHA Hilo CRC

**EXHIBIT C**